

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

In re PEGASYSTEMS INC. SECURITIES  
LITIGATION

---

) No. 1:22-cv-11220-WGY  
)  
)

**ORAL ARGUMENT REQUESTED**

LEAD PLAINTIFFS' MOTION TO  
COMPEL DEFENDANTS TO PRODUCE  
DOCUMENTS REGARDING THE SEC'S  
INVESTIGATION OF PEGASYSTEMS,  
INC.

Pursuant to Federal Rules of Civil Procedure 26 and 37 and Local Rule 37.1 of the United States District Court for the District of Massachusetts, Lead Plaintiffs Central Pennsylvania Teamsters Pension Fund - Defined Benefit Plan, Central Pennsylvania Teamsters Pension Fund - Retirement Income Plan 1987, and Construction Industry Laborers Pension Fund (collectively, “Plaintiffs”) hereby move to compel defendants Pegasystems, Inc. (“Pega”) and Alan Trefler (collectively, “Defendants”) to produce documents regarding the U.S. Securities and Exchange Commission’s (“SEC”) investigation of Pega.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law and the contemporaneously filed Declaration of Christopher D. Stewart, Plaintiffs respectfully request that the Court compel Defendants to search for and produce the following responsive documents, whether dated before, on, or after October 18, 2022:

(a) documents and communications provided to the SEC pursuant to the SEC investigation, including memoranda, briefs, summaries, testimony, or presentations provided to the SEC pursuant to the SEC investigation;

(b) internal or external Pega communications referring to, discussing, or evidencing the SEC investigation; and

(c) privilege logs provided to the SEC by Pega or Deloitte & Touche, LLP in connection with the SEC investigation.

### REQUEST FOR ORAL ARGUMENT

Plaintiffs respectfully request oral argument pursuant to Local Rule 7.1(d) of the United States District Court for the District of Massachusetts. Plaintiffs believe that oral argument will assist the Court's consideration of this Motion, and they would appreciate the opportunity for counsel to address any issues raised by, or questions posed by, the Court.

DATED: November 27, 2023

ROBBINS GELLER RUDMAN  
& DOWD LLP

DEBRA J. WYMAN (admitted *pro hac vice*)

CHRISTOPHER D. STEWART (admitted *pro hac vice*)

LONNIE A. BROWNE (admitted *pro hac vice*)

MEGAN A. ROSSI (admitted *pro hac vice*)

NICOLE Q. GILLILAND (admitted *pro hac vice*)

s/ Christopher D. Stewart

---

CHRISTOPHER D. STEWART

655 West Broadway, Suite 1900

San Diego, CA 92101

Telephone: 619/231-1058

619/231-7423 (fax)

debraw@rgrdlaw.com

cstewart@rgrdlaw.com

lbrowne@rgrdlaw.com

mrossi@rgrdlaw.com

ngilliland@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP

CHAD JOHNSON (admitted *pro hac vice*)

420 Lexington Avenue, Suite 1832

New York, NY 10170

Telephone: 212/432-5100

chadj@rgrdlaw.com

ROBBINS GELLER RUDMAN  
& DOWD LLP  
SNEHEE KHANDESHI (admitted *pro hac vice*)  
Post Montgomery Center  
One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)  
skhandeshi@rgrdlaw.com

Lead Counsel for Lead Plaintiffs

HUTCHINGS BARSAMIAN MANDELCORN, LLP  
THEODORE M. HESS-MAHAN, BBO #557109  
110 Cedar Street, Suite 250  
Wellesley Hills, MA 02481  
Telephone: 781/431-2231  
781/431-8726 (fax)  
thess-mahan@hutchingsbarsamian.com

Liaison Counsel for Lead Plaintiffs

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULES 7.1 AND 37.1**

Plaintiffs certify that this Motion complies with the provisions set forth in Rules 7.1(a)(2) and 37.1 of the Local Rules of the United States District Court for the District of Massachusetts, and that Plaintiffs attempted in good faith to resolve the parties' dispute prior to bringing it to the Court's attention. The parties' meet and confer sessions regarding the document request at issue (and other document requests) have included telephonic meet and confers on July 21 and 28, August 1, and October 2 and 5, 2023. The parties have also exchanged written correspondence concerning the request at issue (Request No. 5), including correspondence dated July 27, August 7, 21, and 28, September 5 and 12, and October 27, 2023. Plaintiffs confirmed impasse on Request No. 5 on October 5, 2023, and again on October 27, 2023. Although the length of the parties' telephonic meet and confer calls have varied, the parties have typically set aside approximately one hour per call. Counsel participating in the meet and confers have generally included (without limitation) Debra Wyman and Christopher Stewart on behalf of Plaintiffs, and Robert Smith and Erika Schutzman on behalf of Defendants.

s/ Christopher D. Stewart  
\_\_\_\_\_  
CHRISTOPHER D. STEWART

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 27, 2023.

s/ Christopher D. Stewart

---

CHRISTOPHER D. STEWART